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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 1590/2023

MONU CHAUHAN ..... Petitioner

Through: Mr. Vijay, Mr. Chirag Verma and Mr. Kshitij Chhabra, Advocates.

versus

CENTRAL PUBLIC INFORMATION OFFICER & ANR. ..... Respondents

Through: Mr. Abhishek Maratha, Senior Standing Counsel and Mr. Parth Semwal, Jr. Standing Counsel with Ms. Nupur Sharma, Advocate for Respondent/ Revenue.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

<u>O R D E R</u>

% **06.03.2024**

1. The Petitioner has approached this Court with the following prayers:

> *"a) Issuance a writ of mandamus or any other writ/directions/orders thereby directing the respondent No.2 to conclude the tax evasion petition (TEP) filed by the petitioner or pass directions/orders to the respondents to supply the investigation report done so far and other documents sought by the petitioner in his RTI application, I the interest of justice;*
>
> *b) Pass any other order/direction(s) as this Hon'ble may deem fit and proper in the facts and circumstances of the case."*

2. Status report has been filed by the Respondents on 21.04.2023. The status report reads as under:

Office of the
Income Tax Officer (Inv.), AIU,
Room No.143, 1st Floor, Block-C, Dr. S.P. Mukherjee Civic Centre,
Minto Road, New Delhi-110002

F. No. ITO (Inv.)/AIU/2023-24/ 1 Dated: 21.04.2023

To,

Sh. Abhishek Maratha
(Sr. Standing Counsel)
Income Tax Department

Sir,

Sub: Status report in the matter of WP(Civil) No. 1590 of 2023 filed by Sh. Monu Chauhan - reg

Kindly refer to the above subject

2. In this connection, reference is invited to the order dated 10.02.2023 issued by Hon'ble High Court, Delhi in the case of Sh. Monu Chauhan Vs. Central Information Commission & ANR in W.P (C) 1590/2023 & CM APPL. 6062/2023, wherein directions have been given to the Department to submit status report on the investigation carried out by DGIT(Inv.) in the Tax Evasion Petition filed by Sh. Monu Chauhan alongwith a copy of communication dated 20/01/2021 issued by the Department to the petitioner as found mentioned in CIC order dated 30/12/2021.

3. The background of TEP and the status of investigation conducted by Directorate of Investigation, Delhi in the matter may be read as under:

i. The complainant Sh. Monu Chauhan filed a TEP on 16.09.2019 vide letter dated 16.09.2019 with the O/o the DGIT (Inv.), New Delhi against complainees Ms. Priyanka Chauhan (wife of complainant), Sh. Hardayal Singh (Father-in-law of complainant) and others.

ii. Following the standard operating procedures (SOPs) which have been put in place by the Central Board of Direct Taxes to ensure fair processing and effective consideration of large number of complaints/TEPs which are received by the Department in its ordinary course on regular basis, the subject TEP was categorised as 'C' category TEP by the competent authority on 24.09.2019.

iii. This 'C category TEP' was then transferred to Pr. CIT-10, New Delhi on 09.01.2020 by the competent authority for further necessary action.

iv. Subsequent to this, due to change in procedure of handling of TEPs, all the TEPs (including the subject TEP) pending with the field offices were received back by the

-2-

Directorate of Investigation, New Delhi. The subject TEP was also received back by the DGIT(Inv.), Delhi and was allocated to ITO(Inv.)-AIU, New Delhi on 01.09.2020 for further action.

v. The undersigned in accordance with the SOP in place for handling of 'C category TEPs' has uploaded the subject TEP on Departmental online portal (ITBA Module) on 14.03.2021. No action other than uploading of the 'C' category TEP is prescribed at present for the officers of DGIT (Inv.).

4. Copy of the letter issued on 20/01/2021 by the ITO, Ward 28(5), New Delhi to the DGIT (Inv.) New Delhi and copy marked to the petitioner is enclosed herewith as annexure A as directed by the Hon'ble Court. Accordingly, necessary action in the matter may be taken by you.

Yours faithfully,

Encl: as above

(Ashok Kumar)
Income Tax Officer (Inv)
AIU, New Delhi

Copy to kind information to:
1.) The Pr.DIT (Inv.)-2, New Delhi
2.) The Addl.DIT (Inv.), Unit-2, New Delhi

ASHOK KUMAR
Income Tax Officer (Inv.)
Air Intelligence Unit, New Delhi

Income Tax Officer (Inv)
AIU, New Delhi

3. In view of the status report filed by the Respondent, this Court is not inclined to proceed further with the matter.

4. The writ petition is disposed of in terms of the status report filed by the Respondents. Pending applications, if any, also stand disposed of.

SUBRAMONIUM PRASAD, J

MARCH 6, 2024
S. Zakir